DETAILED ACTION

1.   This communication is a first Office Action Non-Final rejection on the merits.

Claims 1 – 13, as originally filed, are currently pending and have been considered

below.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture,
>
> or composition of matter, or any new and useful improvement thereof, may obtain a
>
> patent therefor, subject to the conditions and requirements of this title.

3.   Claims 9 – 13 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

As per claims 9 - 13, the system contains software (data) structures not claimed

as embodied in computer-readable media and therefore are descriptive material *per se*

and are not statutory because they are not capable of causing function change in a

computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   **Claims 1 - 13 rejected under 35 U.S.C. 102(e) as being anticipated by**

Rauber et al. (6,549,891).

     As per claim 1, Rauber discloses an offer collecting system for a desired

storehouse for keeping products and parts, comprising:

     a server connected with a network and having a storage section and a server

display unit (col. 4, lines 60 – 67; The host computer 12 may be any type of

minicomputer, microcomputer or mainframe computer but is preferably a Hewlett

Packard 9000 Series 800 Model E server computer that uses the HP-Unix operating

software and includes a conventional display monitor, a digital data storage tape drive,

dual two-giga byte mirroring hard drives, and an integrated local-area-network (LAN)

connection);

     a plurality of offerer terminals connected with said network (col. 4, lines 53 – 56;

and a plurality of programmable input devices in communication with the host computer

12. The programmable input devices may include one or more remote computers 18, or

any other types of input devices); and

     an offer collection terminal connected with said server directly or through said

network and having a terminal display unit (col. 5, lines 9 – 12; The programmable input

devices are operable for scanning or entering the machine-readable inventory labels

and for communicating with the host computer 12 to provide updating information to the

host computer 12.) (col. 5, lines 43 – 47; Each remote computer 18 is preferably a

conventional IBM compatible or equivalent microcomputer having a 486 or Pentium type

microprocessor and a display screen; however, they may also be "dumb" terminals with

input capabilities only) (col. 5, lines 12 – 14; As discussed above, the programmable

input devices may include the portable scanning devices 16 or the remote computers

18.);

       wherein said offer collection terminal sets first and second collection condition

sets in said storage section of said server (col. 6, lines 49 – 58; As illustrated generally

in step 200 of FIG. 2, inventory or freight is first received by the distressed inventory

warehouse and unloaded. Then, at step 202, the freight is sorted into several categories

that determine how the freight will be managed within the distressed inventory

warehouse. In preferred forms, the freight is sorted into the following categories: (1)

freight that will be sold for scrap value (step 204); (2) freight that will be trashed (step

206));

       said server produces a storehouse offer collection display based on said first

collection condition set to provide to said plurality of offerer terminals by displaying said

storehouse offer collection display on said server display unit (col. 7, lines 13 – 20;

Then, the operator initiates the unload subroutine or portion of inventory management

method by accessing the appropriate subroutine in the host computer 12 as illustrated

generally in step 300. Access may include conventional log-on or connection

procedures and may provide an initial display screen informing the operator of the

options available in the unload subroutine. The options available in the unload

subroutine are construed as the offer collection), and

stores offer data from each of said plurality of offerer terminals in said storage

section (col. 7, lines 1 – 9; FIG. 3 illustrates the freight unloading portion or subroutine

of the present invention. In general, this portion or subroutine of the method provides for

the unloading of the freight carrier, the identifying of the inventory delivered, and the

creation and storage of inventory data records, which are construed as offer data, in the

host computer 12 for use in managing and tracking the inventory as it passes through

various stages within the distressed inventory warehouse),

said server compares said offer data from each of said plurality of offerer

terminals with said second collection condition set (col. 7, lines 21 – 23; After the freight

has been unloaded, it must be identified before proceeding through various stages in

the distressed inventory warehouse. To identify the freight, the operator first determines

whether the inventory has been delivered with a freight bill as illustrated in step 302.

This determination is construed as the server comparing offer data with said collection

condition.) (The following are construed as possible second collection condition sets:

(col. 6, lines 56 - 64; (1) freight that will be sold for scrap value (step 204); (2) freight

that will be trashed (step 206); (3) over freight that will be reunited with the freight carrier

or manufacturer (steps 208 and 210); (4) freight that will be stored, managed, and sold

in the warehouse of the distressed warehouse inventory (steps 212, 214, 216, and 218);

and (5), freight that will be stored, managed, and sold in a retail portion of the distressed

inventory warehouse (steps 220, 222, 224, 226, and 228)), and

determines said offer data meeting said second collection condition set as offer

data candidates (col. 7, lines 23 – 25; To identify the freight, the operator first

determines whether the inventory has been delivered with a freight bill as illustrated in

step 302.) (col. 7, lines 26 – 30; If a freight bill has been provided with the inventory, the

operator scans the bill or enters the freight bill information manually into the host

computer 12 or one of the programmable input devices in communication with the host

computer 12 in step 304. The freight bill information is construed as an offer data

candidate), and

      outputs said offer data candidates to said offer collection terminal (col. 7, lines 26

– 30; If a freight bill has been provided with the inventory, the operator scans the bill or

enters the freight bill information manually into the host computer 12 or one of the

programmable input devices, which are construed as collection terminals, in

communication with the host computer 12 in step 304.), and

      said offer collection terminal displays said offer data candidates (col. 7, 15 – 17;

Access may include conventional log-on or connection procedures and may provide an

initial display screen informing the operator of the options available in the unload

subroutine) and selects one of said offer data candidates and determines said desired

storehouse corresponding to the selected offer data candidate (col. 7, lines 36 – 41;

Next, in step 308, the computer program, which is construed as displaying on the

collection offer terminal, prompts the operator to enter the location within the distressed

inventory warehouse where the inventory will be initially stored before it proceeds

through further stages of the inventory management method. As described in more

detail below, this location may include a warehouse area, a retail area, or other

specialized areas for particular types of freight).

As per claim 2, Rauber discloses, wherein said offer data includes numerical data (col. 11, lines 32 – 35; For example, information may be provided regarding any synonyms that were matched, the total number of matches for all criteria, the number of matches for each search criteria or specific alphanumeric string presented, etc.) and image data (col. 9, lines 29 – 32; If a match is not found corresponding to the shortage file, the operator may then generate a digital image of the overgoods inventory to be stored with the overgoods record corresponding to the overgoods inventory, as illustrated in step 1106).

As per claim 3, Rauber discloses, wherein said server outputs said offer data candidates to said offer collection terminal such that said numerical data of each of said offer data candidates is displayed on said terminal display unit in a list form (col. 11, lines 36 – 42; The operator may then elect to view a summary of the search results, which can be construed as a list, which displays selected fields of the matched records to indicate what overgoods inventory was "matched," as illustrated in step 1206. The operator may further select to view all of the information corresponding to the matched overgoods record, which can all be construed as lists) and

said image data of each of said offer data candidates is displayed as an image on said terminal display unit (col. 11, lines 41 – 43; Also, if an image has been entered for the particular overgoods record in step 1106, the user may elect to view that image in conjunction with the overgoods record).

As per claim 4, Rauber discloses, wherein said storehouse offer collection display contains a plurality of input screens to input data for different items of said first collection condition set (col. 4, lines 54 – 56; the programmable input devices may include one or more remote computers 18, or any other types of input devices.) (col. 5, lines 43 – 45; Each remote computer 18 is preferably a conventional IBM compatible or equivalent microcomputer having a 486 or Pentium type microprocessor and a display screen).

As per claim 5, Rauber discloses, wherein said first collection condition set includes whether an offerer of each of said plurality of offer terminals can provide a distribution service (col. 15, lines 56 – 59; In general, this portion of the inventory management method provides for the invoicing, sales, and loadout of inventory stored in the warehouse portion of the distressed inventory warehouse. Loadout is construed as distribution service) (col. 16, lines 26 – 29; The customer can then take this warehouse invoice to any cash register for purchase and loadout as described above. Step 508 then updates the appropriate inventory data records in the host computer 12).

As per claim 6, Rauber discloses, further comprising:

a distribution center terminal associated with the selected offer data candidate and connected with said network (col. 10, lines 27 – 31; This search process may be performed by an operator from the host computer 12, remote computers 18, which are construed as distribution center terminals, or by personnel associated with the carriers who have a computer system connected to the host computer 12, such as by a wide area network),

wherein said offer collection terminal orders transportation of said products and parts (Generally, the matched overgoods inventory is returned to the shipper with which it is associated or is forwarded to a consignee, which is construed as ordering transportation) to said determined storehouse to said distribution center terminal (col. 10, lines 22 – 27; The overgoods records in the computer may be searched for records matching preselected criteria, which may generate at least one matched overgoods record corresponding to matched overgoods inventory. The preselected criteria preferably includes information about the carrier associated with the overgoods inventory) (As inventory is received by the distressed inventory warehouse and unloaded, as illustrated in FIGS. 2 and 3, the inventory is sorted and moved to the proper location, as illustrated in steps 200, 202, and 314), and

said products and parts are transported by a truck (Inventory often becomes distressed inventory because it was accidentally loaded on the wrong freight truck) to said determined storehouse based on an instruction from said distribution center terminal (Then the overgoods inventory is physically located in the overgoods storage area of the distressed inventory warehouse and relocated from its current location for further processing to appropriately dispose of the matched overgoods inventory, as illustrated in step 1212. Generally, the matched overgoods inventory is returned to the shipper with which it is associated or is forwarded to a consignee, but it is to be recognized by one of skill in the art that the matched overgoods inventory may be otherwise handled).

As per claim 7, Rauber discloses, wherein said offer collection terminal changes said second collection condition set ((1) freight that will be sold for scrap value (step 204); (2) freight that will be trashed (step 206); (3) over freight that will be reunited with the freight carrier or manufacturer (steps 208 and 210); (4) freight that will be stored, managed, and sold in the warehouse of the distressed warehouse inventory (steps 212, 214, 216, and 218); and (5), freight that will be stored, managed, and sold in a retail portion of the distressed inventory warehouse (steps 220, 222, 224, 226, and 228). These can all be construed as second collection condition sets), and

said server carries out the comparison, the determination and the output of said offer data candidates once again based on the changed second collection condition set (If a freight bill has been provided with the inventory, the operator scans the bill or enters the freight bill information manually into the host computer 12 or one of the programmable input devices in communication with the host computer 12 in step 304).

As per claim 8, Rauber discloses, wherein said server transmits an offer reception notice to said offer collection terminal in response to said determination of said offer data candidates (col. 7, lines 23 – 25; To identify the freight, the operator first determines whether the inventory has been delivered with a freight bill as illustrated in step 302), and

said offer collection terminal issues an output instruction in response to said offer reception notice (col. 7, lines 36 – 39; Next, in step 308, the computer program prompts the operator to enter the location within the distressed inventory warehouse where the

inventory will be initially stored before it proceeds through further stages of the inventory

management method), and

said server outputs said offer data candidates to said offer collection terminal in

response to said output instruction from said offer collection terminal (col. 7, 43 - 51;

After receiving this inventory identification information and location information, the host

computer 12 stores the information in an inventory data record as illustrated generally in

step 310. The host computer 12 creates a unique inventory data record, which is

construed as outputting said offer data candidates, for each piece of inventory received

in the distressed inventory warehouse. Inventory labels are then printed by a printer 14

coupled with the host computer 12 or any one of the remote computers 18 and applied

to the pieces of inventory as indicated in step 312).

As per claim 9, Rauber discloses a software product readable by a computer to

execute processing comprising:

a function of providing a storehouse collection display based on a first collection

condition set from an offer collection terminal (col. 6, lines 49 – 51; As illustrated

generally in step 200 of FIG. 2, inventory or freight is first received by the distressed

inventory warehouse and unloaded.) (col. 4, lines 60 – 67; The host computer 12 may

be any type of minicomputer, microcomputer or mainframe computer but is preferably a

Hewlett Packard 9000 Series 800 Model E server computer that uses the HP-Unix

operating software and includes a conventional display monitor, a digital data storage

tape drive, dual two-giga byte mirroring hard drives, and an integrated local-area-

network (LAN) connection) (col. 4, lines 54 – 56; The programmable input devices may

include one or more remote computers 18, or any other types of input devices);

a function of receiving offer data and storing in a database (col. 7, lines 1 – 9;

FIG. 3 illustrates the freight unloading portion or subroutine of the present invention. In

general, this portion or subroutine of the method provides for the unloading of the freight

carrier, the identifying of the inventory delivered, and the creation and storage of

inventory data records, which are construed as offer data, in the host computer 12 for

use in managing and tracking the inventory as it passes through various stages within

the distressed inventory warehouse);

a function of comparing said offer data with a second collection condition set (col.

7, lines 21 – 23; After the freight has been unloaded, it must be identified before

proceeding through various stages in the distressed inventory warehouse. To identify

the freight, the operator first determines whether the inventory has been delivered with a

freight bill as illustrated in step 302. This determination is construed as the server

comparing offer data with said collection condition.) (The following are construed as

possible second collection condition sets: (col. 6, lines 56 - 64; (1) freight that will be

sold for scrap value (step 204); (2) freight that will be trashed (step 206); (3) over freight

that will be reunited with the freight carrier or manufacturer (steps 208 and 210); (4)

freight that will be stored, managed, and sold in the warehouse of the distressed

warehouse inventory (steps 212, 214, 216, and 218); and (5), freight that will be stored,

managed, and sold in a retail portion of the distressed inventory warehouse (steps 220,

222, 224, 226, and 228)), when said offer data is received from each of a plurality of

offerer terminals (col. 4, lines 53 – 56; and a plurality of programmable input devices in communication with the host computer 12. The programmable input devices may include one or more remote computers 18, or any other types of input devices);

a function of determining said offer data meeting said second collection condition set as an offer data candidate (col. 7, lines 23 – 25; To identify the freight, the operator first determines whether the inventory has been delivered with a freight bill as illustrated in step 302) (col. 7, lines 26 – 30; If a freight bill has been provided with the inventory, the operator scans the bill or enters the freight bill information manually into the host computer 12 or one of the programmable input devices in communication with the host computer 12 in step 304. The freight bill information is construed as an offer data candidate); and

a function of outputting said offer data candidates to said offer collection terminal (col. 7, lines 26 – 30; If a freight bill has been provided with the inventory, the operator scans the bill or enters the freight bill information manually into the host computer 12 or one of the programmable input devices, which are construed as collection terminals, in communication with the host computer 12 in step 304),

whereby one of said offer data candidates is selected as a selected storehouse by said offer collection terminal (col. 7, lines 36 – 41; Next, in step 308, the computer program prompts the operator to enter the location within the distressed inventory warehouse where the inventory will be initially stored before it proceeds through further stages of the inventory management method. As described in more detail below, this

location may include a warehouse area, a retail area, or other specialized areas for
particular types of freight).

   As per claim 10, Rauber discloses, wherein said offer data includes numerical
data (col. 11, lines 32 – 35; For example, information may be provided regarding any
synonyms that were matched, the total number of matches for all criteria, the number of
matches for each search criteria or specific alphanumeric string presented, etc.) and
image data (col. 9, lines 29 – 32; If a match is not found corresponding to the shortage
file, the operator may then generate a digital image of the overgoods inventory to be
stored with the overgoods record corresponding to the overgoods inventory, as
illustrated in step 1106).

   As per claim 11, Rauber discloses, wherein said function of outputting
comprises:

   a function of outputting said offer data candidates to said offer collection terminal
such that said numerical data of said offer data candidates are displayed on said offer
collection terminal in a list form (col. 11, lines 36 – 42; The operator may then elect to
view a summary of the search results, which can be construed as a list, which displays
selected fields of the matched records to indicate what overgoods inventory was
"matched," as illustrated in step 1206. The operator may further select to view all of the
information corresponding to the matched overgoods record, which can all be construed
as lists) and

   said image data of a selected one of said offer data candidates is displayed on
said offer collection terminal (col. 11, lines 41 – 43; Also, if an image has been entered

for the particular overgoods record in step 1106, the user may elect to view that image in conjunction with the overgoods record).

As per claim 12, Rauber discloses, further comprising:

a function of transmitting an offer notice to said offer collection terminal in response to said determination of said offer data candidates (col. 1, lines 48 – 41; Further, the ordered inventory will usually be clearly identified, typically in the form of documentation which accompanies the inventory (i.e., freight bills, labels, UPC code, etc).

As per claim 13, Rauber discloses, wherein said first collection condition set includes whether an offer of each of said plurality of offer terminals can provide a distribution service (col. 15, lines 56 – 59; In general, this portion of the inventory management method provides for the invoicing, sales, and loadout of inventory stored in the warehouse portion of the distressed inventory warehouse. Loadout is construed as distribution service) (col. 16, lines 26 – 29; The customer can then take this warehouse invoice to any cash register for purchase and loadout as described above. Step 508 then updates the appropriate inventory data records in the host computer 12).

Conclusion

6.　　　The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blinn et al. (6,058,373), which discloses a system and method for processing electronic order forms, Houvener et al. (6,016,480), which discloses a merchandise return fraud prevention system and method, Smith et al. (6,879,962),

which discloses a logistics system and method, Nelson (6,922,674), which discloses a

computer implemented purchasing system with aftermarket product inventory display,

Zara et al. (7,117,169), which discloses a method for coupling an ordering system to a

management system in a data center environment, and Harvey (6,519,568), which

discloses a system and method for electronic data delivery.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Oluseye Iwarere whose telephone number is (571) 270-
5112. The examiner can normally be reached on Monday to Thursday 7:30am to 5
(EDT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lynda Jasmin can be reached on (571) 272-3033. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

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